

REMARKS

Claims 1-6 are currently pending in this application. By this response to the non-final Office Action dated November 18, 2008, new claim 6 is added. Claim 6 is an English language translation of allowed claim 1 of Japanese Patent No. 3,915,705, which issued on May 16, 2007 from Japanese Patent App. No. 2003-021854, to which this application claims priority. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

In section 3 of the Office Action, claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,345,430 (Moe) in view of U.S. Patent No. 6,115,202 (Yoshida) and U.S. Patent No. 4,618,890 (Kouyama). In section 4 of the Office Action, claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moe in view of Yoshida, Kouyama, and JP Patent App. Pub. No. H11-205725 (Naoya). In section 5 of the Office Action, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moe in view of Yoshida, Kouyama, and U.S. Patent No. 5,758,013 (Kizu). In section 6 of the Office Action, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moe in view of Yoshida, Kouyama, and JP Patent App. Pub. No. H04-252484 (Toyoshima). Applicants respectfully traverse.

Claim 1 recites, *inter alia*,

the memory control device further stores the auxiliary information appended to the video audio signals in the auxiliary information memorizing section for a time period substantially equal to the delay of the video audio signals to thereby delay the auxiliary information by an amount of time during which the auxiliary information is stored and records the delayed auxiliary information on the recording medium.

Page 5, lines 5-8 of the Office Action acknowledges that the combination of Moe and Yoshida fails to disclose the above limitations. Seeking to cure this shortcoming, page 5, lines 9-21 of the Office Action asserts that “Kouyama . . . teaches storing the information appended to the video audio signals . . . to thereby delay the information.” This description of Kouyama is incorrect, and Kouyama does not bridge the acknowledged gap between claim 1 and Moe and Yoshida.

Kouyama does not teach, or even suggest, the limitations of the last paragraph of claim 1. Kouyama clearly indicates it is directed to an “audio synchronizing system.” Col. 2, line 3 (*emphasis added*); see also Abstract (“A digital audio synchronizing system . . .”) (*emphasis added*); col. 1, lines 63-64 (“It is an object of the present invention to provide a digital audio synchronizing system”) (*emphasis added*). Specifically, Kouyama discloses

The incoming composite video signal c and the reference composite video signal d are supplied to a frame delay detection 6, where the video delay of the reference composite signal d and the incoming composite video signal c is detected and determined. The delay time of the audio signal is governed by this detected video delay. (col. 4, lines 9-15)

Based on the detected video delay, “an audio signal accompanying [the] video signal” (col. 1, lines 19-20) is delayed and employed in a manner that avoids unacceptable click sounds characteristic of preceding audio synchronizing devices (col. 1, lines 35-40). Kouyama offers no disclosure or suggestion of processing “auxiliary information appended to the video audio signals,” as recited in claim 1. Instead, Kouyama is directed to a system ignorant of such auxiliary data, and instead is directed to processing a video audio signal lacking “auxiliary information appended to the video audio signals.” Accordingly, nothing in the cited art would have led one of ordinary skill in the art to combine the teachings of Moe, Yoshida, and Kouyama

to produce the subject matter recited in claim 1, as Kouyama simply relates to resynchronizing a audio signal with a video signal.

Further, the rationale advanced by the Office Action for combining Kouyama with Moe and Yoshida fails to demonstrate that it would have been obvious to combine the cited art to produce what is claimed. Instead, the proposed rationale only further demonstrates that Kouyama does not disclose or render obvious the limitations recited in the last paragraph of claim 1. As noted above, Kouyama is directed to bringing video and audio signals into synchronization. The Office Action, at page 5, lines 14-21, is consistent with this, explaining that combination of Kouyama with Moe and Yoshida “would have been obvious . . . in order to synchronize an audio signal accompanying an input composite video signal to a reference composite video signal to which the input composite video signal should be synchronized” (*emphasis added*). Thus, as indicated by the Office Action, Kouyama might have been combined to better synchronize video and audio signals, but the record fails to demonstrate it would have been obvious to operate upon “auxiliary information appended to the video audio signals,” in accordance with the last paragraph of claim 1. Naoya, Kizu, and Toyoshima do not bridge the above gap. Thus, claim 1 is nonobvious in view of the cited art. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1, as well as dependent claims 2-5.

For at least similar reasons discussed above with respect to claim 1, claim 6, which also relates to processing an “auxiliary information appended to said video audio signals,” is not rendered obvious by the cited art. Accordingly, Applicants respectfully request allowance of claim 6.

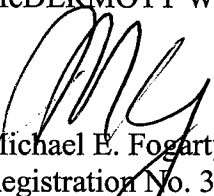
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Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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